



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 1834-00  
19 September 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting, in effect, that his discharge be upgraded.

2. The Board, consisting of Mr. Chapman, Ms. Gilbert, and Ms. Humbred, reviewed Petitioner's allegations of error and injustice on 6 September 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 11 January 1974 at the age of 20 and began a period of active duty on the same day.

d. During Petitioner's period of service he received nonjudicial punishment (NJP) on two occasions for absence from his appointed place of duty and three periods of unauthorized absence (UA) totalling 15 days.

e. Subsequently, Petitioner was administratively processed for discharge by reason of unsuitability due to apathy and defective attitude. On 18 October 1974 Petitioner received a general discharge.

f. At the time of Petitioner's separation, character of service was based on conduct and overall trait averages which were computed from marks assigned during periodic evaluations. Petitioner's only conduct mark was 3.6. An average mark of 3.0 in conduct was required at the time of his separation for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board initially notes Petitioner's misconduct and does not condone his actions. However, the Board's decision is based upon the regulations in effect at the time of Petitioner's discharge which mandate that the characterization of service be based on conduct and proficiency averages. The Board notes that Petitioner's sole conduct mark of 3.6 was more than sufficient for a fully honorable characterization of service. Accordingly, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

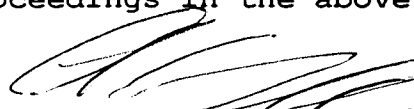
a. That Petitioner's naval record be corrected to show that he was honorably discharged on 18 October 1974 vice the general discharge actually issued on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 10 March 2000.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

A handwritten signature in dark ink, appearing to read "W. Dean Pfeiffer", is written over the typed name.

W. DEAN PFEIFFER  
Executive Director